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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,002	02/25/2004	Herbert L. Ho	Y0R920030635US1 (17343)	3930
23389	7590	08/09/2006		EXAMINER
SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530				WARREN, MATTHEW E
			ART UNIT	PAPER NUMBER
				2815

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/787,002	HO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Matthew E. Warren	2815	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 18 May 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-14 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

This Office Action is in response to the Amendment filed on May 18, 2006.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miwa et al. (US 5,352,624) in view of Tsuchiya (JP 05-243255 A).

In re claims 1 and 13, Miwa shows (fig. 21E) bipolar transistor comprising: a conductive back electrode (603b) for receiving a bias voltage; a first semiconductor layer (550 in fig. 20E) located over said back electrode, said first semiconductor layer comprising a base which includes a first conductive type dopant (P) and an extrinsic collector (under COL region) which includes a second conductivity type dopant (N+), said extrinsic collector borders said base; and an emitter (under EM region) comprising a second semiconductor layer of the second conductivity type dopant (N+) located over a portion of said base. Miwa also shows at least one adjacent complementary metal oxide semiconductor device (MOS section II), wherein the bipolar transistor and the at least one adjacent complementary metal oxide device is separated by an isolation region (601). Miwa shows all of the elements of the claims except the insulating layer located over the conductive back electrode, the conductive back electrode located over

a substrate layer, and conductive back electrode is biased to form an inversion charge layer in said base region at an interface between said first semiconductor layer and said insulating layer. Tsuchiya shows (fig. 1 and abstract) a bipolar transistor having a conductive back electrode (12) for receiving a bias voltage and an insulating layer (13) located over the conductive back electrode. The bipolar transistor also comprises a semiconductor layer (11), wherein the conductive back electrode is located over the semiconductor substrate layer for receiving a bias voltage ( $V_{BG}$ ). With this configuration, a current amplification factor can be varied. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bipolar transistor of Miwa by adding an insulating layer between the back electrode and semiconductor layer as taught by Tsuchiya to vary the current amplification factor of the bipolar transistor.

In re claim 2, Miwa discloses (col. 42, lines 60-67) that a portion of said base is a doped to form an extrinsic base.

In re claims 3 and 4, Miwa discloses (col. 43, lines 15-22) that the base, the emitter, the extrinsic collector and the exposed surfaces of the conductive back electrode each include a silicided and the silicide is in contact with a metal contact that is located atop the silicide inside a contact opening formed in an interconnect dielectric.

In re claims 5 and 6, Miwa shows (fig. 21E) wherein the emitter comprises a single-finger (EM). In re the limitations concerning claim 6, Miwa does not show that the emitter has multi-fingers, however, It would have been obvious to one of ordinary skill in the art to use three, four, etc., emitter fingers since it has been held that mere

duplication of the essential working parts of a device involves only routine skill in the art.

*In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). See also MPEP 2144.04 VI. (B).

In re claim 7, Miwa shows (fig. 21E) that the extrinsic base (P) and collector (N+) are raised regions since they are formed in a semiconductor layer that is formed on top of the insulating layer (602).

In re claim 8, Miwa shows (fig. 21E) a spacer is located on the sidewalls of the emitter (603e).

In re claim 9, neither reference shows the range of thickness of the insulating layer, however it would have been obvious to one of ordinary skill in the art to make the thickness of the insulating layer within the desired range, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

In re claim 10, Miwa shows (figs. 21B-21E) that another insulating layer (602) is located adjacent to the back electrode and said insulating layer is a buried oxide of an SOI. When combined with Tsuchiya, the another insulating layer (602) of Miwa would be thicker than the thin insulating layer and located adjacent thereto.

In re claim 11, Miwa shows (fig. 21E) that the base contains a p-type dopant, the emitter contains an n-type dopant, (N+ under EM region), and the extrinsic collector contains an n-type dopant (N+ region), and the extrinsic base contains a p-type dopant (col. 42, line 60 - col. 43, lines 11).

In re claim 12, Miwa shows (fig. 21E) that the extrinsic base (portion labeled P within the base region) diffuses minimally into the base so as not to be in contact with the underlying insulating layer (602 in fig 21B).

In re claim 14, Miwa shows (fig. 21E) that the complementary metal oxide semiconductor device is a field effect transistor because it is a MOSFET.

***Response to Arguments***

Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Warren whose telephone number is (571) 272-1737. The examiner can normally be reached on Mon-Thur and alternating Fri 9:00-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Parker can be reached on (571) 272-2298. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MEW  
*MEW*  
August 7, 2006



KENNETH PARKER  
SUPERVISORY PATENT EXAMINER